

**UNITED STATES BANKRUPTCY COURT,
EASTERN DISTRICT OF NEW YORK**

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In re:	:
	:
	Chapter 11
	:
CARITAS HEALTH CARE, INC., et al.,¹	:
	Case Nos. 09-40901 (CEC)
	through 09- 40909 (CEC)
	:
Debtors.	:
	(Jointly Administered)
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**ORDER (I) MAINTAINING CASH MANAGEMENT SYSTEM AND
EXISTING BANK ACCOUNTS, (II) AUTHORIZING THE DEBTORS
TO USE EXISTING BUSINESS FORMS, AND
(III) GRANTING RELATED RELIEF**

UPON the motion (the “Motion”)² of Caritas Health Care, Inc. (“Caritas”) and the other above-captioned debtors and debtors-in-possession (collectively, the “Debtors”), seeking entry of an order pursuant to sections 105, 363, 364, and 503(b)(1) of title 11 of the United States Code (the “Bankruptcy Code”) and Rule 6003 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) (a) authorizing, but not requiring, the Debtors to continue using their cash management system and maintain existing bank accounts, and authorizing a waiver of certain operating guidelines relating to such bank accounts, (b) authorizing, but not requiring, continued use of existing business forms, at least until the Debtors’ existing business forms stock is depleted, (c) authorizing the Cash Management Bank (defined below) to maintain, service and administer the accounts, (d) authorize the Cash Management Bank to debit the bank

¹ The Debtors in these cases, along with the last four digits of each Debtor’s federal tax identification number, are: Caritas Health Care, Inc. (0364), Caritas Anesthesia Services, P.C. (4765), Caritas Cardiology Services, P.C. (1247), Caritas Emergency Medical Services, P.C. (5881), Caritas Family Health Services, P.C. (4113), Caritas Medical Services, P.C. (1143), Caritas OB/GYN Services, P.C. (1289), Caritas Pediatric Services, P.C. (6649) and Caritas Radiology Services, P.C. (1325). The mailing address for all of the Debtors is 152-11 89th Avenue, Jamaica, New York 11432.

² Capitalized terms used but not defined herein shall have the meanings ascribed to such terms in the Motion.

accounts in the ordinary course of the Debtors' operations, and (e) granting related relief; and it appearing that no further notice hereof is required except as provided for below; and sufficient cause appearing therefor; it is

ORDERED, that the Motion is hereby granted; and it is further

ORDERED, that the Debtors are authorized, but not required, to continue their pre-petition Cash Management System; and it is further

ORDERED, that the Debtors are authorized to maintain and continue to use, with the same account numbers, their accounts maintained with the Cash Management Bank; and it is further

ORDERED, that the Debtors' Bank Accounts shall be treated for all purposes as accounts of the Debtors as Debtors-in-possession; and it is further

ORDERED, that the Debtors are authorized to use their existing ~~B~~business forms (CEC), provided that they are stamped or otherwise marked with the words "Debtor in Possession;" and it is further

ORDERED, that the Cash Management Bank is authorized to transfer in the usual and ordinary course at the request and direction of the Debtors any funds in the Bank Accounts; and it is further

ORDERED, that the Cash Management Bank is authorized to receive, process, honor and pay any and all checks, ACH ~~P~~payments (CEC) and other instructions and drafts payable through, drawn or directed on such Bank Accounts after the Petition Date by the holders,

makers or other parties entitled to issue instructions with respect thereto; provided, however, that any check, advice, draft or other notification that the Debtors advised the Cash Management Bank to have been drawn, issued or otherwise presented prior to the Petition Date may be honored by the Cash Management Bank only to the extent authorized by order of this Court; and it is further

ORDERED, that the Cash Management Bank is authorized to accept and honor all representations from the Debtors as to which checks, drafts, wires or ACH Payments should be honored or dishonored consistent with any order(s) of this Court and governing law, whether such checks, drafts, wires or ACH transfers are dated prior to or subsequent to the Petition Date; and it is further

ORDERED, that in the event that the Cash Management Bank honors a pre-petition check or other item drawn on any account that is the subject of this Order (a) at the direction of the Debtors, (b) in a good faith belief that the Court has authorized, or intends to authorize, such pre-petition check to be honored or (c) as a result of an innocent mistake made despite implementation of reasonable item handling procedures, it shall not be deemed to be liable to the Debtors or to their estate on account of such pre-petition check or other item being honored post-petition; and it is further

ORDERED, that the Cash Management Bank be given the authority to continue to charge the Debtors the Bank Fees in the ordinary course; and it is further

ORDERED, that the Debtors are authorized and directed to pay the Bank Fees in the ordinary course; and it is further

ORDERED, that Caritas is authorized, but not required, to continue funding each of the PC Debtors on an as-needed basis; and it is further

ORDERED, that all transfers by Caritas to fund a PC Debtor's operating deficit shall be granted super-priority administrative expense claim status pursuant to Section 364 of the Bankruptcy Code, which claim shall be subject and subordinate to the payment of fees

(i) pursuant to 28 U.S.C. § 1930(a)(6), (ii) on account of unpaid Court-allowed fees and expenses of any trustee subsequently appointed under ~~section 726(b) of~~ (CEC) the Bankruptcy Code and (iii) on account of the actual amount of court-allowed professional fees and expenses of attorneys, accountants, financial advisors and consultants retained by the Debtors, any statutory committee appointed in the Cases or any patient ombudsman; and it is further

ORDERED, that the Debtors shall serve a copy of this Order by overnight delivery upon the Cash Management Bank within two (2) business days of the date hereof; and it is further

ORDERED, that this Court shall retain jurisdiction with respect to any matters, claims, rights or disputes arising from or relating to the implementation of this Order; and it is further

ORDERED, that Rule 6003(b) of the Bankruptcy Rules has been satisfied; and it is further

ORDERED, that notwithstanding any applicability of Bankruptcy Rule 6004(h), the terms and conditions of this Order shall be immediately effective and enforceable upon entry of this Order; and it is further

ORDERED, that the requirements of Bankruptcy Rule 6004(a) ~~are waived~~ **have**
been satisfied (CEC).

Dated: February **10**, 2009
Brooklyn, New York

s/Carla E. Craig
UNITED STATES BANKRUPTCY JUDGE